

1 **TRUST DEEDS AND STATUTE OF LIMITATIONS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jeremy A. Peterson**

5 Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill addresses commencement of an action on an obligation secured by a trust  
10 deed.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ clarifies when an action on an obligation secured by a trust deed is barred because
- 14 of the applicable statute of limitations; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **57-1-34**, as last amended by Laws of Utah 2016, Chapter 305

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24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **57-1-34** is amended to read:

26 **57-1-34. Sale of trust property by trustee -- Foreclosure of trust deed --**

27 **Limitation of actions.**



28           (1) ~~[A]~~ For the commencement of an action on an obligation secured by a trust deed, a  
29 person shall, within the period prescribed ~~[by law for the commencement of an action on an~~  
30 ~~obligation secured by a trust deed]~~ in Subsection (2):

31           ~~[(1)]~~ (a) commence an action to foreclose the trust deed; or

32           ~~[(2)]~~ (b) file for record a notice of default under Section [57-1-24](#).

33           (2) The time period for the commencement of an action or filing for record of notice  
34 under this section:

35           (a) is the time period prescribed in Section [78B-2-309](#); and

36           (b) begins from the date established under Section [78B-2-113](#).

37           (3) This section applies to all obligations secured by a trust deed that, as of May 8,  
38 2018, have any principal balance remaining on the obligation secured by the trust deed.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**